

111TH CONGRESS
1ST SESSION

H. R. 2753

To delay the implementation of new Medicare hospital geographic wage reclassification criteria until the Secretary of Health and Human Services issues a proposal to revise the hospital wage index classification system that addresses certain considerations.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2009

Mr. BERRY introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To delay the implementation of new Medicare hospital geographic wage reclassification criteria until the Secretary of Health and Human Services issues a proposal to revise the hospital wage index classification system that addresses certain considerations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NO APPLICATION OF REVISED MEDICARE AV-**
4 **ERAGE HOURLY WAGE COMPARISON RECLAS-**
5 **SIFICATION CRITERIA.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, the Secretary of Health and Human Services

1 (in this section referred to as the “Secretary”) shall not
2 apply, during the period described in subsection (b), the
3 changes contained in the final rule published on August
4 19, 2008, on pages 48,434 through 49,083 of volume 73,
5 Federal Register, to the average hourly wage comparison
6 reclassification criteria described in sections
7 412.230(d)(1)(iv), 412.232(c), and 412.234(b) of title 42,
8 Code of Federal Regulations, to a subsection (d) hospital
9 (as defined for purposes of section 1886 of the Social Se-
10 curity Act (42 U.S.C. 1395ww)) seeking reclassification
11 of its wage index for purposes of such section during such
12 period.

13 (b) SUSPENSION PERIOD.—The period described in
14 this subsection begins on October 1, 2008, and ends on
15 the first day of the first fiscal year that begins 1 year
16 after the Secretary has published in the Federal Register
17 a proposal (or proposals) that considers the matters de-
18 scribed in subparagraphs (A) through (I) of section
19 106(b)(2) of division B of the Tax Relief and Health Care
20 Act of 2006 (Public Law 109–432).

21 (c) EFFECT ON RECLASSIFICATION DECISIONS.—
22 Notwithstanding any other provision of law, in the case
23 of a decision made by the Medicare Geographic Classifica-
24 tion Review Board under section 1886(d)(10) of the Social
25 Security Act (42 U.S.C. 1395ww(d)(10)), during the pe-

1 riod described in subsection (b), denying an application
2 by a subsection (d) hospital (as so defined) for reclassifica-
3 tion of its wage index for purposes of such section during
4 such period on the basis of the changes contained in the
5 final rule published on August 19, 2008, on pages 48,434
6 through 49,083 of volume 73, Federal Register, to the av-
7 erage hourly wage comparison reclassification criteria de-
8 scribed in sections 412.230(d)(1)(iv), 412.232(c), and
9 412.234(b) of title 42, Code of Federal Regulations, the
10 Board shall reissue the decision as if such changes were
11 not in effect.

12 (d) CLARIFICATION REGARDING APPLICATION OF
13 BUDGET NEUTRALITY.—The Secretary shall, in accord-
14 ance with paragraph (8)(D) of section 1886(d) of the So-
15 cial Security Act (42 U.S.C. 1395ww(d)), make a propor-
16 tional adjustment in the standardized amounts determined
17 under paragraph (3) of such section for a fiscal year to
18 assure that the provisions of this section do not result in
19 aggregate payments under such section 1886(d) that are
20 greater or less than those that would otherwise be made
21 during the fiscal year.

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